

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF OKLAHOMA**

**WAYNE M FOURNERAT,**

**Plaintiff,**

**v.**

**Case No. 22-CV-315-JFH-JAR**

**REED SMITH ET AL.**

**Defendant.**

**ORDER AND JUDGMENT**

Before the Court is the Report and Recommendation of Magistrate Judge Jason Robertson [Dkt. No. 53]. Plaintiff's Second Amended Complaint alleged a pro se action against eleven (11) defendants for legal estoppel; forced labor pursuant to 18 U.S.C. §§ 1589(a)(2), (3), and (4); trafficking in forced labor in violation of 18 U.S.C. §§ 1590(a); and forced labor in violation of 18 U.S.C. §§ 1589(a)(4) and 1595(a). This lawsuit arises out of Plaintiff's representation of Richard Glossip during Glossip's murder trial in 1998. The Oklahoma Court of Criminal Appeals overturned Glossip's conviction due to ineffective assistance of counsel, and the Plaintiff took the ruling personally. Since then, he has filed a series of lawsuits against various parties he views as responsible for the perceived harms arising out of the court's ruling.

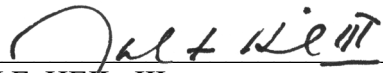
In the present case, Defendants Crowe and Dunlevy, Reed Smith, LLP, David Weiss, Stan Perry, Jackson Walker, LLP, and Christina Vitale moved to dismiss Plaintiff's claims. Dkt. Nos. 27 and 34. On June 15, 2023 Magistrate Judge Robertson recommended that the motions be granted and that the Second Amended Complaint be Dismissed with Prejudice sua sponte as to all the remaining Defendants who had not yet entered an appearance because "it is patently obvious that the plaintiff could not prevail" and he could not establish standing to sue any of the named parties. Dkt. No. 58 at p. 9-12. Thus, Magistrate Judge Robertson recommended that the Second

Amended Complaint be dismissed pursuant to Rule 8 and Rule 12 (b) (1). Additionally, the Report and Recommendation advised Plaintiff that he had fourteen (14) days to object to the Report and Recommendation and that any objection could not exceed ten (10) pages in length. On July 27, 2023, Plaintiff filed an untimely twenty three (23) page “Appeal” of the Magistrate Judge’s Report that does not specifically address any of Magistrate Judge Robertson’s conclusions. The document filed as an “Appeal” [Dkt. No. 60] is a copy of a Petition for Writ to Assume Original Jurisdiction that Plaintiff filed with the United States Supreme Court.

“To further advance the policies behind the Magistrate's Act, [the Tenth Circuit], like numerous other circuits, ha[s] adopted ‘a firm waiver rule’ that ‘provides that the failure to make timely objections to the magistrate's findings or recommendations waives appellate review of both factual and legal questions.’” *See United States v. One Parcel of Real Property*, 73 F.3d 1057, 1060 (10th Cir. 1996). Even if this Court were to accept the Plaintiff’s late filed “Appeal”, the Plaintiff fails to provide specific objections to the Magistrate’s report and recommendations. Thus, he has waived de novo review of the Report and Recommendation. Judge Robertson’s recommendation is sound and there is no clear error on the face of the record.

Accordingly, it is hereby Ordered that Judge Robertson’s Report and Recommendation is AFFIRMED and ADOPTED as the order of this Court. It is further ORDERED that Plaintiff’s Second Amended Complaint [Dkt. No. 15] is DISMISSED with prejudice.

Dated this 11<sup>th</sup> day of June 2024.

  
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JOHN F. HEIL, III  
UNITED STATES DISTRICT JUDGE